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RACIALIST GLOBKE

Wrote: "Non-Whites Must Leave"

By the Editor

Nazi files have produced new evidence of the racialist crimes of Dr Hans Globke, State Secretary in the West German Government and personal assistant to Chancellor Adenauer.

"Coloured blood cannot be tolerated in Europe", Dr Globke, then a top official in Hitler's Ministry of the Interior, wrote on September 2nd 1942. "All coloured persons in France must be deported within one year."

Earlier, documents from the nazi archives had proven without a shadow of doubt that Dr Globke was the author of the Nuremberg Laws, the nazi racialist legislation which provided the "legal" foundation for Eichmann's liquidation of European Jewry. (Full details of Globke's anti-Semitic record were given in GERMAN REPORT of August 5th and September 2nd 1960, copies of which will be sent on application.)

The new evidence on Dr Globke's past, which was only discovered during April 1961, came from the voluminous files of the nazi Ministry of the Interior. The original files lie before me as I write.

On June 27th 1940, five days after France had surrendered to Hitler, nazi Foreign Minister Ribbentrop wrote to all nazi government departments asking them to appoint an official to help in drawing up the terms of a peace treaty with defeated France.

"I suggested Ministerial Counsellor Globke for this task" states a note scrawled on the Ribbentrop letter in the Ministry of the Interior files, signed by SS General Wilhelm Stuckart, Globke's immediate boss.

The proposal was accepted, and Globke got the job, as is shown by subsequent correspondence, all of which is available for inspection in East Berlin.

There was a long delay in preparing the proposals, caused presumably by Globke's multitudinous other jobs, such as introducing his anti-Semitic legislation in the German puppet state of Slovakia in September 1941, but on September 2nd 1942 the Ministry of the Interior submitted to the Foreign Ministry a six-page memorandum, drafted by Globke, on the proposed terms of the peace treaty with France. The subsequent development of the war prevented such a peace treaty from ever being signed.

Many of the suggestions made by Globke display his fastidious and bureaucratic attention to detail, qualities which have since endeared him to his new boss, Chancellor Konrad Adenauer. His memorandum deals at length with who should pay the pensions for former French officials residing in those parts of France to be annexed by Germany; the introduction of German veterinary pest control methods to France; and other matters of this sort. But these are not the main proposals. Here, quoted word for word from Globke's memorandum, are some of his other proposals:

"The New Frontier. French cession of Alsace-Lorraine ... can under no circumstances be the limit of the territorial changes. A series of other extensive frontier changes will have to be made if German interests are to be fully protected in future.

"Transfer of French citizens to France. France will have to pledge itself to take over French citizens from the ceded territories ... In addition, France will have to accept, and dispatch to the French colonies, the Rhineland half-breeds, and other half-breeds whose admixture of coloured blood comes from coloured persons from the French colonies ...

"The Jewish question. Since the Jewish question can only be finally and satisfactorily solved for Europe, it is extremely important that France should introduce the regulations for the Protection of the Blood. Since the final solution of the European Jewish problem will lead to a general deportation of the Jews from Europe, it will be necessary to demand that the French Government agrees to this ...

"The colour problem. The penetration of coloured blood into Europe cannot be longer tolerated; insofar as damage has already been done, this must be rectified as far as is possible. This aim results in the following demands:

a) The permanent settlement of coloured persons (Negroes, Malagassy, Indo-Chinese, Mulattoes, etc) in France cannot be tolerated ... Insofar as coloured persons already reside in France they must be deported within one year to overseas French colonies in accordance with their racial origin.

b) Marriage and extra-marital relations between coloured people from France and Aryans of all nationalities will be banned and punished, both in France and in any colonies which may be left in French hands.

c) Coloured persons may not become French citizens. If they already hold French citizenship, this is to be cancelled if the coloured blood proportion exceeds one quarter ...

"Gypsies. It will be necessary to conclude an agreement with the French Government on the possible deportation from Europe of Gypsies and Gypsy half-breeds."

The man who drafted these paragraphs is today Chancellor Adenauer's closest adviser, and the second most powerful man in the West German state.

GDR Passes Labour Code

Workers Debate New Legislation

The first Labour Code in German history, embodying all laws, guarantees and regulations governing the factories and workshops of the German Democratic Republic, was passed by the People's Chamber on April 12th after more than five months of discussion.

Herbert Warnke, chairman of the Free German Trade Union Federation, announced in his speech to the People's Chamber that the new code had been discussed at a total of 325,000 trade union meetings with about 7,000,000 participants. These meetings had resulted in more than 23,000 oral or written suggestions and proposals. As a result of these suggestions, whole sections of the draft code were completely rewritten.

Warnke said that "the demand for a unified code of labour laws, like the demand for the right to work, is as old as the labour movement itself." The West German trade union federation had made a similar demand when it was founded in 1947, but nothing had been done.

The new socialist society in the GDR meant an end to the dog-eat-dog rules of capitalism, Herbert Warnke said. Under socialism, "the individual can satisfy his personal needs through the general progress and development of socialist society as a whole and its increase in productivity".

This question played a large part in the Labour Code, which states that in "demonstrating to the entire German people the superiority of socialism in all fields it is decisive to have a maximum increase in productivity by means of the rapid development and application of the latest scientific and technological advances. The share which every worker contributes to increasing productivity benefits not only himself but everybody."

Here are a few excerpts from each of the main sections of the 46-page Labour Code:

Chapter I. Basic Principles of Socialist Labour Law

"The political power of the working-class, allied with the cooperative farmers, intellectuals and other working groups, the socialist ownership of the means of production and the planned economy are the foundations for the legal regulation of labour relations in the GDR.

"All citizens have the right to work. This consists of the right to employment, to equal pay for equal work, to wages corresponding to the quantity and quality of the work, and to creative cooperation in fulfilling economic plans and in directing factories and the economy.

"All working people have the right to vocational training and qualification, to holidays, to labour protection, to material assistance in case of illness, accidents at work, maternity, disablement and old age . . .

"The socialist state guarantees basic rights irrespective of age, sex, nationality, race and religion.

"Recognised victims of the nazi regime, women, young people . . . and disabled persons receive special protection and aid when taking up and pursuing a vocation."

Chapter II: Implementation of Socialist Democracy

"The creative co-operation of the working people in the fulfillment of the tasks and in the management of the factory is an essential feature of socialist democracy and is decisive for successful work. The director is therefore required to encourage mass initiative and to rely upon the experience and suggestions of the working people . . .

"Trade union activity is under the protection of the workers' and peasants' power . . . Anyone obstructing trade union activity will be called to account."

Chapter III: Employment Contracts

"An employment contract of undetermined length can be terminated by the worker or the factory upon giving notice. *(Contracts of determined length are limited to six months in most cases, ed.).*

"If the factory gives notice it is required to help the worker in good time to find fitting work in another enterprise."

Chapter IV: Wages

"Every working person has the right to equal pay for equal work regardless of age, sex, nationality, race or religion."

Chapter V: Vocational Training and Qualification

"The factory directors . . . must plan and carry out the training of apprentices and the qualification of the workers.

"The unified socialist education system guarantees all working people the chance to attain an education in technical school, college or university."

Chapter VI: Working Hours

"Successes of the working people in increasing labour productivity are the basis for the step-by-step planned reduction of working hours without a decrease in wages." *(Production workers and other categories now work a 45-hour week; those in heavy or difficult jobs less, and some categories still work 48 hours, ed.)*

"Overtime work can only be ordered in exceptional cases and with the agreement of the factory trade union committee.

"No more than 4 hours of overtime work in two successive days and not more than 120 hours overtime a year may be worked. Exceptions may be made only in cases of emergency. Other maximum limits may be agreed upon in separate branches of industry in the overall collective agreements.

"Leave from work is granted: . . . to attend a training course . . . to attend lectures or examinations connected with extension or evening study courses. Compensation equalling average wages is to be paid up to a maximum 14 days, and thereafter at the tariff wage rate . . .

"Leave from work is granted: when a worker marries or his wife has a baby (1 day); when a worker moves — within the same residential area (1 day), to another area (2 days); at the death of a member of the family (2 days) . . . Compensation is paid at the hourly wage rate."

Chapter VII: Vacations

"Every working person has the right to a minimum vacation of at least 12 working days *(with Sundays a minimum two weeks vacation. In addition there are 12 official paid holidays every year, ed.)*

Chapter VIII: Health, Safety and Social Insurance

"The entire management of the social insurance system *(dealing with sick insurance, accidents, childbirth, disablement, old age, ed.)* is in the hands of the Free German Trade Union Federation.

"Protective clothing and safety devices must be provided free of charge by the factory in accordance with legal regulations.

"The social insurance system provides the necessary material help without time limit for the purpose of maintaining or restoring workers' health and capacity to work and also in the case of pregnancy and childbirth . . . Members of workers' families included in their insurance receive the same assistance . . . Material assistance includes especially medical and dental treatment, medicines, curatives and aids, hospital care and health cures *(all without additional charge, ed.)*.

"Working people released from work because of illness certified by a doctor receive sick pay for each day missed. *(This sick pay is 90% of average wages up to 6 weeks every year, and 50% of average wages for up to at least 26 weeks. In case of accidents at work or occupational illness the 90% rate continues till return to work or receipt of pension, ed.)*

Chapter IX: Socialist Labour Discipline

"Working people have the obligation to do their work properly and punctually; to increase socialist property and protect it from damage or loss; to make full use of working hours and the means of production, to be economical in the use of money and material and to do good quality work; to adhere to the health and safety regulations; to follow directions issued by the factory director in connection with the work.

"The socialist state recognises outstanding workers' achievements by means of awards . . . Awards are made in agreement with the appropriate trade union committees. They must be presented after completion of the outstanding achievement, publicly and in a fitting and worthy manner."

Chapter X: Cultural and Sports Activities, Social Service

". . . The factory is required to organise varied and interesting cultural and sports activities . . .

"The cultural institutions of the factory, such as clubhouses and libraries, are at the disposal of the

(cont. on next page)

15th Anniversary of Unity

This month the German Democratic Republic celebrated the 15th anniversary of the formation of the Socialist Unity Party. The new party was formed on April 21st 1946 when the Communist Party and the Social Democratic Party in East Germany merged. The photograph reproduced above shows the historic moment when Wilhelm Pieck, Chairman of the Communist Party (left), and Otto Grotewohl, Chairman of the Social Democratic Party (right), clasped hands to symbolise the re-unification of the German working class movement in one part of Germany.

Wilhelm Pieck was President of the German Democratic Republic from its formation in October 1949 until his death in September 1960. Otto Grotewohl has been Prime Minister of the GDR since its formation.

The history of the modern working class movement began in the 1860's, when August Bebel and Wilhelm Liebknecht, strongly influenced by Marx and Engels, founded a socialist party. After a period of repression under Chancellor Bismarck, the German Social Democratic Party had become, by 1900, the strongest working class party in the world.

Between 1900 and the outbreak of the First World War in 1914, the Social Democratic Party continually grew in strength. At the same time two main wings developed in the party: a reformist "gradualist" wing headed by Eduard Bernstein and others, and a revolutionary socialist wing in which a prominent part was played by Karl Liebknecht, Rosa Luxemburg, Clara Zetkin, Franz Mehring and Wilhelm Pieck.

On the outbreak of the First World War, the differences between the two wings became more pronounced. After initial hesitation, Karl Liebknecht became the only Social Democratic member of the Reichstag to vote against credits for the Kaiser's war, and he rallied supporters round him in the illegal Spartakus League. Other radical elements in the party broke away to form the Independent Social Democratic Party.

When the Kaiser was chased from his throne on November 9th 1918, the "majority" Social Democrats took over power, and founded the Weimar Republic. They replaced the monarchy by a republic, but made no attempt to pursue the revolution to its conclusion and to sweep from power the monopolies, junkers, militarists and conservative civil service.

On December 31st 1918 the Spartakus League formed the Communist Party of Germany with a revolutionary programme. A majority of the Independent Social Democratic Party later joined the Communist Party.

In 1933, after Hitler had come to power, largely because the Social Democratic Party rejected all Communist offers to form an anti-fascist United Front, both parties were banned and driven underground.

During the whole nazi period, Social Democrats and Communists worked together against Hitler in the underground and concentration camps, and swore to re-unite the workers' parties after Hitler's defeat.

In April 1946 their dream came true, and the two parties were united in East Germany. In the western occupation zones the British, American and French authorities banned similar moves.

factory trade union organisation free of charge, and sports facilities are available to factory sport clubs, also free of charge. The factory provides the funds for maintaining the cultural and sports facilities and for the wages and salaries of persons employed in them.

"The factory is responsible, in particular, for providing the workers at their place of work the chance to buy nourishing meals, refreshments and groceries; for helping to improve the housing of its workers, especially by promoting workers' building cooperatives; for providing and maintaining locker-rooms, rest rooms and washing facilities . . ."

"Old age pensioners who have left the factory are to be included in cultural and social activities and support."

Chapter XI: Advancement of Working Women

"The equality of women in socialist society is fully implemented through their participation in the work process and their cooperation in guiding the state and economy. The organs of state power and factory managers are required to provide all conditions necessary for women to take their place in the work process, to develop their creative abilities and at the same time to do full justice to their important social function as mothers.

"Women are to receive special consideration in plans for the qualification of workers. They are to receive special help in acquiring the qualifications necessary for leading posts in all fields. Working women are to be assisted to qualify themselves in such a way that training does not interfere with their duties as mothers.

"Women who work full time receive a one-day paid household leave every month . . . *(applies to married women or those with children or invalids at home, ed.)*

"Women receive maternity leave before and after childbirth in accordance with legal regulations. *(5 weeks before, 6 weeks after childbirth, ed.)* For the duration of maternity leave mothers receive their average net earnings."

Chapter XII: Advancement of Young People

"At the beginning of each year a Youth Advancement Plan is to be drawn up by the factory manager with the active assistance of the Free German Youth, the trade union committee and all young workers.

"In the Youth Advancement Plan measures are to be laid down for developing the creative activities of young people, encouraging them to participate in management, encouraging them to learn and to take part in cultural and sports activities, and also for holiday activities.

"The best young men and women workers are to be delegated to study in technical colleges or universities on the recommendation of the Free German Youth committee or the factory trade union committee.

"Child labour is forbidden in the German Democratic Republic.

"Young people are not permitted to do heavy work or work which endangers health . . . All young people are to be medically examined for suitability before starting work and are to be examined regularly and given medical care during employment . . .

"Young people between 14 and 16 receive a minimum vacation of 21 working days; those between 16 and 18 receive a minimum vacation of 18 working days."

Chapter XIII: Labour Disputes

"The organs which deal with labour disputes are a) disputes commissions, b) social insurance complaint commissions, c) regional and district labour courts, d) the Supreme Court (Senate for Labour Disputes).

"Members of the disputes commissions are proposed by the factory trade union committees and elected by all workers. They must report back to the workers."

. . . *Can Prittie Read?* . . .

This new Labour Code, both in its draft form and when it was finally passed as law, came under a barrage of attack in the West German press, which either ignored or wilfully distorted its provisions. At least two prominent British journalists, Terence Prittie (on January 2nd in "The Guardian") and Sebastian Haffner (writing for the "New York Herald Tribune" on April 17th) wrote stories based on these West German attacks, apparently without reading the text of the Labour Code itself. Here are just a few of their distortions, followed by the facts:

Prittie: "Women are not guaranteed the same wage rates as men for the same work."

Code: *"Every working person has the right to equal pay for equal work regardless of age, sex, nationality, race and religion." (§ 40)*

Prittie: "The workers' right to give notice has been abolished."

Code: *"An employment contract . . . can be terminated by the worker or the factory upon giving notice." (§ 31)*

Prittie: "The code gives the Socialist Unity Party final powers of jurisdiction in labour disputes."

Code: *Never mentions the Socialist Unity Party, provides for elected disputes commissions and labour courts. (Chapter XIII)*

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Haffner: "Wages and working norms are to be unilaterally fixed by the manager-in-chief . . ."

Code: *"Wage rates and conditions, based on legal regulations, are to be set forth in the overall collective agreements." (§ 40) "Overall collective agreements may be concluded between the central state organs, the district councils or associations of nationally-owned enterprises on the one hand and the National Executive of the Free German Trade Union Federation, the national executive committees of the industrial trade unions or the district executive committees of the Free German Trade Union Federation on the other." (§ 6)*

Haffner: "A six-day week must be universally maintained."

Code: *No clause even remotely resembles this. The code states: "The successes of the working people in increasing labour productivity are the basis for the step-by-step planned reduction of working hours without a decrease in wages. (§ 67)*

Haffner: "No more than 12 days' holidays with pay are to be given per year."

Code: *"Every working person has the right to a minimum vacation of at least 12 working days." (§ 80) This is the legal minimum, not the maximum. Vacations ranging from 3 to 4 weeks are granted people doing difficult, heavy or responsible jobs, blind people and those partially incapacitated, young people under 18 and victims of the nazi regime.*

Haffner: "More than 23,000 suggestions had been posted to trade union offices, all of which (with one exception) were disregarded."

The truth: *The 23,000 suggestions made orally and in writing during the five month countrywide debate were not disregarded. Thousands of them were incorporated into many dozens of changes in the draft bill. Other thousands are being incorporated in local factory agreements.*

Haffner: The Labour Code is "a staggeringly reactionary document, the kind of labour law which even the most extreme Tories in the West would today no longer dream of."

The truth: Read the excerpts given above and judge for yourself.

VEST-POCKET EICHMANN

By John Peet

FORMER NAZI JUDGE SENT TO PRISON

BERLIN (EASTERN SECTOR), April 14.—Johannes Breyer, aged 70, a former Nazi judge, was sentenced at Schwerin today to eight years' hard labour, with 10 years' loss of civil rights, for the murder of more than 60 Poles during the war. He was alleged to have passed death sentences for "trivial offences" in a court at Poznan, Poland.—*Reuter.*

The news item reproduced above was printed in the London "Times" on April 15th, and in a number of other newspapers. It gave the bare facts about the sentence belatedly passed on one of the little Eichmanns of Germany. But the short news item leaves open more questions than it answers: What sort of a man was this nazi judge? How was he caught? What sort of a trial did he get? What has happened to the other judges who sat with him on the bench at Poznan Special Court?

To try to get the answer to some of these questions, I travelled to Schwerin, a sleepy provincial town near the Baltic coast of the German Democratic Republic, where the trial was held.

There, seated in the middle of the well-lighted, pleasantly proportioned courtroom, I saw Johannes Breyer, the man accused of seventyfold murder. Somehow one always expects mass-murderers to look the part; they should be brutal thugs or thin-lipped fanatics. Judge Breyer fits into none of the accepted categories. He is a bent, insignificant man with thin greying hair, and with nothing about him which would tempt you to look at him twice.

Throughout his grey life he had always obeyed the rules; and when the nazis established special courts with the task of blotting out opponents of their regime, he obeyed the nazi rules, and signed the death sentences.

When the court opened, the public prosecutor read out the charges, listing the crimes charged against Breyer. The accused sat quiet and calm as the prosecutor read extracts from the incriminating documents, found recently in the archives of the Reich Ministry of Justice, where dozens of little bureaucrats like Breyer had filed them efficiently away.

From the very start of the case there could be no question of Breyer's guilt, for his signature was appended to the monstrous verdicts which he had approved. Here is one typical case in which Breyer had helped to pass the death sentence:

A German farmer had beaten a Pole employed on his farm (his "Knecht" or serf, as the verdict stated). He had beaten him hard, with the handle of a rake. The Pole grabbed the farmer's arms to stop the beating. That was the full extent of his crime. Breyer and the other two judges of the Special Court ruled: "The German was quite right to beat his serf, and the Pole must be sentenced to death as a warning to others".

(Other death sentences are cited on page 71.)

Starvation

Not all the cases in which Breyer had passed death sentences were so trivial. A number of cases, if one can believe the facts alleged in the nazi court files, would have brought sentences of some weeks or some months imprisonment in a normal court at normal times. There were cases of theft, cases of fraud, and a large number of cases of theft of foodstuffs; the cases of food theft were highly understandable at a time when the Polish residents of the Poznan area were receiving rations well below the level necessary to maintain life and health, while the German residents were getting adequate wartime rations.

To underline this point, the prosecution introduced nazi ordinances from this period showing the rations granted to the Germans and the Poles, and decrees completely banning the sale of fruit and vegetables to Poles.

But in all these cases, the Special Court knew only one verdict: death. The only variation was that in some cases it was death by hanging, and in others it was death by beheading. It made no difference whether the Pole accused had, as in one case, stolen and slaughtered several pigs, or whether he had, as in another case, stolen half a cake. Breyer knew only one possible verdict: death.

Perhaps it is important at this point to explain that the Poznan area, where these monstrous sentences were imposed, was not in any way a front-line area, or a place of turmoil and partisan fighting. None of the cases dealt with by Judge Breyer had any direct connection with the war, with resistance movements, or with attacks on German soldiers and officials. They were all minor offences, if they were offences at all in any accepted sense of the word. But the verdict was always: death.

Poznan, or Posen as the Germans called it, had formed a part of the Kaiser's Germany. The city of Poznan and the surrounding countryside had a mixed population of Germans and Poles, with the Poles in the majority, and at the end of World War One it became part of Poland. Right at the beginning of World War Two, after the collapse of Poland, this part of the country was integrated in Hitler's Reich under the name of Wartheland, and from then until liberation it was administered as an integral part of Germany proper. This is an important distinction, since it meant that it was not under arbitrary military law like the remainder of Poland, known as the General Gouvernement.

Routine Massacres

When the nazis took over the Wartheland there were a number of the usual massacres of Jews and Poles, and later all Jews and a number of Poles were deported to the east for liquidation, but general evacuation of the Polish population originally planned was stopped when the Germans found that it would be impossible to staff the factories and farms of the area without the Polish workers.

However, in the early months of the war, an effort had been made to Germanise the area thoroughly by re-settling "Volksdeutsche" or ethnic Germans, mainly from the Baltic states and Roumania. This is where Judge Breyer comes into the story, for although he is a German by descent, he had never been a German citizen, or even visited Germany, until 1940.

Breyer told the court of his background in a dry, meandering story, helped along by the very efficient presiding judge of the Schwerin court, Hans Lischke.

Breyer told how he had been born in Tallinn, the capital of Estonia, then a part of the Russian Empire. His parents had struggled and saved to send him to law school. He had studied in Petrograd throughout the First World War, but his studies had been cut short by the Russian Revolution. It was a measure of the extremely limited horizon of this very limited grey little man that the upheavals of the revolution had left almost no mark on his memory. Judge Lischke asked him what he recalled. "There was a bit of shooting, of course" Breyer said. "But I don't remember much about it because I had broken my foot. But it was very annoying that the university closed down. It meant that I was unable to take my final law examinations." Patient questioning by the court failed to produce any more information about the period.

As World War One ended, Breyer moved back to Tallinn, now the capital of an independent Estonian state. Luck was on his side: most of the old Russian officials had fled the country, there were very few Estonians with higher education, and Breyer, although he had never been able to complete his legal studies, soon found himself appointed judge.

For more than 20 years he dealt with run-of-the-mill cases in the courts of Tallinn as an Estonian judge. He claimed that he had never meddled in politics, that he had never been a member of any organisation except a drinking club of German university graduates. He was asked what he did in his spare time: "I had my stamp collection", he said, happily, and for the first time his face lit up with a certain amount of interest.

No Newspapers

Judge Lischke asked him whether he even subscribed to any newspapers. "Oh no, I was never interested in newspapers" said Breyer. "The only paper I took was a philatelists' magazine".

It was numbing to sit there in the friendly, airy court-room and to realise that this featureless little man, whose only interest in life had been his stamp collection, had helped to send seventy men and women to their death. The actual figure was probably nearly three times as great, for in the course of interrogation Breyer admitted quite calmly that he thought he had probably helped to pass about 200 death sentences. The files on the other cases have never been found.

At the end of 1939, the nazi government appealed to the ethnic Germans living in the Baltic states to "come home" to Germany to help Germanise the western part of Poland. Rather reluctantly, because he was a man of habit, Breyer submitted to the urgings of his wife, packed his belongings, boarded a German ship, and soon found himself in Poznan, where he was given a flat, the Polish owner of which had been evicted and deported.

Although he knew nothing of German law, for he had studied Czarist Russian law, and administered Estonian law, he soon found a job in the Poznan courts as a legal official. Here he soon fell under the influence of a man named Karl Boemmels. Boemmels, who had joined the nazi party in 1933, was sent to Poznan soon after the German occupation to head the Special Court there. He took Breyer under his wing, and quickly convinced him that it would be a good thing if he joined the Nazi Party. Once again, Frau Breyer joined in the urging, and stamp-collector Breyer soon forgot any objections he may have had to "politics".

Done Thing

In his thick Baltic dialect he told the Schwerin Court: "Everybody I met seemed to be a nazi, and it appeared to be the done thing for every German to join the party; so I joined too".

Judge Lischke asked him if there had not been another reason too. "Oh, of course" Breyer added. "I wanted to be appointed judge, and Boemmels told me that I would have a much better chance if I was a member of the party. I wanted to be a judge mainly because I was ailing, and if I died then my wife would get a much better pension."

At this point, the trial in Schwerin suddenly ceased to be a tribunal concerned with a series of crimes committed nearly 20 years ago and became the scene of massive and incontrovertible charges against the whole judicial system in West Germany today.

The judge asked if he knew what Boemmels was doing today? "Yes" said Breyer. "He is Presiding Judge in Saarbruecken Provincial Court in West Germany".

Breyer's name appeared on the Special Court verdicts produced in evidence, but he was only the associate judge. The presiding judge in the special court in most cases tried by Breyer, the man who had been even more guilty of murder, if degrees of guilt can be assessed, was Dr Boemmels. And Doctor Boemmels is happily dispensing "justice" in a top West German court.

Boemmels is not the only one of Breyer's associates back on the bench in West Germany. **Dr Hucklenbroich,** who presided in the special court in other cases tried by Breyer, is today judge in the Wuppertal Provincial Court, West Germany; **Dr Junghans-Konopa,** who sat as associate judge with Breyer, is a judge in Balingen, West Germany; **Dr Fritz Rudolf,** nazi prosecutor in the Poznan Special Court, is today public prosecutor in Frankfurt/Main, West Germany.

Perhaps the West German authorities do not know that these men were implicated in nazi crimes?... Not a bit of it. The GDR public prosecutor assured the Schwerin court that he, personally, had handed over copies of the incriminating documents to the West German judicial authorities during 1960. Despite this, not the slightest effort had been made even to investigate the cases of Boemmels, Hucklenbroich and the others, let alone to remove them from office, or put them on trial for their crimes.

But let us return to Breyer, and take up again the story of his life as he told it to the court. After joining the nazi party sometime in 1941, he found himself appointed judge.

Soon afterwards, Boemmels suggested that he should join the Special Court as associate judge, and Breyer said he saw no reason to reject the offer. "I was appointed to the Special Court because my knowledge of German laws was too scanty for the regular courts", he said. From 1942 to 1944 he sat regularly as a judge there, and obediently signed his name to the death sentences determined by Boemmels, Hucklenbroich, or whoever else was presiding.

Anti-Hanging

"Did you ever object to the death sentence for these trivial offences?" Judge Lischke asked him. For the first time there was laughter in the court as Breyer replied: "Oh yes. I have always been an opponent of capital punishment".

It was a fabulous moment. This man, who without the slightest pressure being put upon him had passed at least 71 death sentences, blandly claimed that he was an opponent of capital punishment. I could not help recalling that Hitler had been a vegetarian because he could not bear the thought of the poor cows being slaughtered.

It is perhaps worth noting that death sentences were not obligatory in the nazi Special Courts. Files from one or two Special Courts in occupied Poland, where the judges, although nazis, had some remnants

of human feeling, imposed sentences of a few months imprisonment for exactly the same offences for which the Poznan Special Court ruled that death was the only possible punishment. It is also worth noting that there is not one single case on record of any Special Court judge being disciplined or punished by the nazis for refusing to pass death sentences

What else did Breyer have to say in his defence? He produced the classic defence made by almost all nazi criminals, that he was obeying orders. "Special laws regarding the Poles existed, and our court always acted strictly in accordance with the law" he claimed. I think he was speaking the truth. As an obedient little civil servant, a small cog in the nazi machinery of repression, it had never occured to him to question the validity of the laws he administered. Like Eichmann, who simply carried out orders in slaughtering the Jews of Europe, Herr Breyer, a vest-pocket Eichmann, efficiently administered the nazi "Criminal Code for Poles, Jews and Gypsies", decreed by the Reich Defence Council on December 5th 1941. This criminal code laid down that the death sentence could be passed on any Pole "guilty of any act likely to damage the German Reich or the repute of the German people."

In 1943, Herr Breyer and his fellow judges in Poznan Special Court were going through the forms of traditional court procedure, while about 150 miles away, in the Warsaw Ghetto, hundreds of thousands of Jews were simply being murdered.

And the Poznan Special Court certainly went through the motions of dispensing justice. There was, it is true, no defence counsel, no witnesses could be heard for the defence, and the law administered was barbaric, but Breyer and his fellow judges always withdrew to their chambers after hearing the case; there they solemnly deliberated on the verdict, though they all knew that acquittal was out of the question and a death sentence was the only sentence they were going to impose. When their farcical deliberations were ended, they solemnly drew up a judgement, running often to five or six closely-spaced typewritten pages; and since the old peace-time regulations stated that every death sentence must be submitted to the Reich Ministry of Justice in Berlin, they sent a carbon copy to Berlin, where dozens of clerks were kept busy filing them away. And it is a good thing that they did so, because these carbon copies still exist today as evidence against Hitler's judges.

This reverence for the forms of law and obedience to regulations came out very clearly during the Schwerin trial. Breyer only showed excitement or agitation twice during the whole course of the proceedings. He was calm and collected when details of his crimes were read to the court; he looked merely interested when Polish witnesses, often choked with emotion, told what had happened to their husbands and sons at the hands of Breyer; but he became extremely agitated when it was suggested that the Poznan Special Court had not observed the due legal forms, or that a German official in Poznan had not complied with the regulations.

The first incident occured when one of the Poznan court documents was introduced in evidence. This document, a death sentence, was signed only by Breyer and Hucklenbroich, instead of by the three judges prescribed by German law. Breyer was asked whether it often happened that only two judges took part in passing sentence. "Never! Never!" shouted Breyer, the first time he raised his voice. "It must be a typing error. The court regulations laid down quite specifically that there must be three judges, and we always complied with the regulations".

The second incident came a few minutes later, when a weeping middle-aged Polish woman described how her husband had been torn away from her, and sentenced to death in a trial which she did not even learn had taken place. She testified that after she had learned of his execution from a placard posted in the streets, she applied for his personal effects, including his wedding ring, to be returned to her. The German authorities had turned her away, saying they had not got the wedding ring.

Breyer listened calmly to the whole story, but when he heard about the missing wedding ring he waved his arms, and announced that he could not believe the testimony since "German prison officials were always very correct in handing over personal effects to the next of kin."

Only once, it appeared, did Breyer fail to conform strictly to the laws and regulations; and it became clear that this solitary case of insubordination had preyed on his conscience, for he kept on returning to it in his rambling testimony. In January 1945, when the jig was up for the nazis, and the Soviet Army was a few miles away from Poznan, the nazi judges and prosecutors packed their bags and fled westwards. With typical pedantry, they decided that someone had to stay behind, presumably to pay outstanding bills, make an inventory, and close everything down in good order.

They decided that the obedient Breyer was just the man for the job, and he was given written instructions to stay behind and look after things. For two whole days, he testified, he dillied and dallied, and then his fear of the advancing Red Army sent him scuttling off to Berlin "even though this was against my orders" as he repeatedly told the court.

In Berlin in the closing weeks of the war he found nobody was interested in him, though he tried to find some responsible official to whom he could explain his dereliction of duty, so he moved on to the little country town of Perleberg, not far from Schwerin, where he was living when the war came to an end.

After the war, he found that his knowledge of Russian stood him in good stead, and he soon got steady

Breyer's Death Sentences

Below are some of the cases in which Breyer and his fellow judges passed death sentences. The details of the "crimes" are taken from the official nazi court documents, and form the sole basis for the death sentence:

1. Two Poles tried to break out of a German prison. In their prison break they bent the bars of the cell window. Death sentence for "damaging German property".

2. A Pole working in a paint factory stole a bottle of terpentine. Death sentence for "damaging the German war effort".

3. A Pole failed to say "good morning" to a German village mayor. They had an argument and tussle, but neither was injured. Death sentence for "action detrimental to the reputation of the German race".

4. A young Polish agricultural labourer kissed a German girl. The verdict specifically stated that the German girl did not object. Death sentence for "action detrimental to the reputation of the German race".

5. A Polish servant in a German family "failed to beat the carpets regularly, and when ordered to clean some fish said derisively: 'Only Germans can eat such fish.' Later she said 'One day you'll be happy if a Pole condescends to speak to you' and 'I'm not scared of you, you can kill me if you like'. This outrageous insolence and extreme enmity towards the Germans is detrimental to the reputation of the German race, and can only be punished by the infliction of the death penalty."

work as translator in a sewing machine factory where he worked, quietly and satisfactorily, until his arrest in 1960.

How had he managed to escape detection for so long, and how was he finally found? In the immediate post-war years, the Soviet war crimes teams and the denazification tribunals had bigger fish to deal with than a mousey, insignificant little man who declared truthfully in his de-nazification questionnaire that he had been a Nazi Party member. He was not working in the administration, or the schools, or police, or any other sensitive area, so he was left alone.

He would probably never have been detected if his old colleagues Judge Boemmels and Judge Hucklenbroich had not been promoted to leading posts in West German courts. The fact that a number of old nazi judges worked in the West German courts came to the attention of the Committee for German Unity in East Berlin, and in 1957 one or two researchers started going through the old, yellowing files of the Reich Ministry of Justice in Berlin. The longer they searched, the more cases they found of nazi "hanging judges" back on Adenauer's payroll. Between 1957 and 1960, the committee published the names, and details of the crimes, of more than 1100 such nazi judges and public prosecutors back at work in West Germany. Breyer's name did not appear on the lists, since he had disappeared without a trace, but Boemmels and Hucklenbroich were of course there.

Caught by Book

In 1959, the Committee for German Unity published a consolidated list of 800 nazi judges, under the title "We Accuse", and the booklet was illustrated with photostats of some of the inhuman verdicts passed by Hitler's Special Courts. One of these photostats brought Breyer to light, for it gave his name as assistant judge in a court session presided over by Dr Boemmels. Someone in Perleberg, where Breyer lived, recalled that Breyer had previously been connected with the law, and wondered whether he could be the man named. Investigations were started, and Breyer was soon arrested.

So now Breyer was in Schwerin, and his crimes were being tried by a court of the German Democratic Republic, the new German state which has made it a principle from the very beginning to track down the nazi criminals and bring them to justice. The fact that there have been so few war crimes trials in the GDR is not due to the fact that the authorities have been remiss in tracking down these men, like the authorities in West Germany; it is solely due to the fact that most men and women guilty of war crimes had made a point of fleeing to West Germany, where they knew they had a very good chance of getting off scot free, rather than stay in the GDR where they knew they would be brought to justice if detected. In fact the only mystery about Johannes Breyer was why he had chosen to remain in the GDR; this was a mystery which the trial left unsolved.

Crowded Out

Berlin Notebook, usually printed on this page, has been crowded out by the length of the article "A Vest-Pocket Eichmann" by John Peet, which begins on page 69.

Now he was standing before his judges. The trial he was given was eminently fair; Breyer and his defence counsel were given every opportunity to put their case, but they had really no case to plead, since the evidence was so overwhelming.

It may be of interest to note who the judges were in the Schwerin court on these sunny April days in 1961. They were truly representative of the new state being built in the GDR. Presiding Judge was Hans Lischke, aged 41, an energetic frank-faced man whose father, a worker living in the German minority area of Czechoslovakia, had been a long-time member of the Communist Party. After Hitler's occupation of Czechoslovakia, Hans Lischke had been called up by the Wehrmacht, like all young Germans of his age. In 1946, after the war, he was resettled in East Germany, and, as a man with a socialist background and upbringing, was immediately accepted as a member of the new progressive People's Police force. In 1948 he applied for admission to law school, and after two years training he became a judge, a post which he has filled ever since.

Judge Lischke was flanked on the bench by two elected lay magistrates, as is the usual practice in GDR courts. These lay magistrates, very roughly equivalent to Justices of the Peace in Britain, serve on the bench for 14 days every year, and are paid by their factories or offices for this period. One of them was Frau Elli Wilhelm, a middle-aged housewife of Schwerin, with four children, who worked until 1960 as a turner in a local engineering factory, and is now an official in the local registry office. Apart from her work as lay magistrate she represents the local co-operative movement on the Schwerin County Council.

Her co-magistrate was Kurt Schroeder, a fine-faced intelligent man now headmaster of a school near Schwerin. A printer by trade, and brought up in a strongly Social-Democratic family, he too had been conscripted for Hitler's war. When peace came he returned to the print shop for a few months, but when the first call went out late in 1945 for workers to volunteer for training as teachers in the new democratic school system, he was one of the first to volunteer. After a hurried training course, he began to work as a teacher in 1946, and since then he has kept on learning "to keep ahead of my pupils" as he told me.

Now Breyer has been sent to prison for 8 years in punishment for his crimes. Some people may feel that this is a harsh punishment for a man of 70; others may well feel that only a death sentence would have been fitting for his crimes. The court, however, took into consideration his age (although he had sentenced young and old to death for nothing); and the fact that he was a weak and very limited man who had drifted into crime largely at the urging of outright nazis like Dr Boemmels.

And the Others?

Breyer is serving his sentence: Dr Karl Boemmels, mass murderer, has returned to the judges bench in West Germany, has been promoted, and is today dispensing Adenauer's version of justice as Presiding Judge in Saarbruecken Provincial Court.

Breyer is serving his sentence: Dr Hucklenbroich, his companion in crime, is Judge in the Wuppertal Provincial Court.

And Hucklenbroich and Boemmels are only two of over one thousand former nazi Special Court judges and Military Court judges who form the backbone of the West German judicial system.

The Potsdam Agreement of 1945 stated: War criminals and those who have participated in planning or carrying out nazi enterprises involving or resulting in atrocities or war crimes shall be brought to judgement..." How long will it be before this international agreement is implemented in West Germany?

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